

THE MCLENNAN COUNTY COURT SECURITY COMMITTEE

PUBLIC SERVANT EXCEPTION FOR LICENSED CARRIERS OF FIREARMS

A. Pursuant to Section 74.092(a)(13) of the Texas Government Code the Committee is authorized to enact security policies and procedures for the Courts.

1. Section 46.03 of the Texas Penal Code prohibits any person from carrying a firearm on the premises of government Courts and court offices, including persons licensed to carry [*Gov. Code 411., subch. H*]. Exceptions to this rule include “on duty” peace officers (actively discharging their official duties), active judicial officers [*411.201, Gov. Code*], and certain authorized county employees, officers and officials.
2. The office of the Texas Attorney General has accepted the plan of the Commissioners Court providing for the exclusion of firearms from the McLennan County Courthouse.
3. Section 46.15 of the *Texas Penal Code* allows certain public servants [*46.15(a)*] enhanced self-protection rights. [*see attached list*]
4. Each Court within the courthouse retains control over its courtroom and court offices and has enacted rules prohibiting all persons, including public servants who are not on duty peace officers or authorized County or Court personnel, from carrying a firearm in courtrooms and court offices.

B. The Committee requests and recommends that:

1. The McLennan County Commissioners Court and the McLennan County Sheriff adopt a policy that, in view of the findings of the Texas Attorney General and the rules of the local Courts, public servants who are not authorized by local Court rules to possess or carry a firearm into Courts or Court offices are prohibited from possessing or carrying firearms on the premises of the McLennan County Courthouse or the Bill Logue Juvenile Justice Center beyond the security checkpoints;
2. The public servant shall declare the weapon and his/her status before entering the metal detector;
3. Notice of such policy be posted and/or given as required by law; and,
4. The McLennan County Sheriff install firearm storage lockers where such public servants may securely check firearms until they leave the premises.

C. The Committee hereby adopts the following **Public Servant Firearm Policy** in regard to the Courts and Court offices:

Subject to the rules adopted by each Court for its courtroom and court offices, no person, whether or not a public servant, who is not listed by this policy statement as an exception shall be allowed to carry or otherwise transport a firearm into a courtroom, court offices or court premises at any time.

The exceptions to this policy are: 1) active judicial officers utilizing courtrooms in the McLennan County Courthouse or the Bill Logue Juvenile Justice Center, 2) the McLennan County Sheriff and Sheriff’s deputies (when on duty) and 3) certified peace officers acting in performance of their official duties.

The difficulties of maintaining security in a century-old Courthouse and each Court’s inherent authority over the areas it occupies require adoption of this Policy to protect the rights of everyone involved.

Approved by the McLennan County Court Security Committee on this the ____ day of _____, 2019.

Ralph Strother, Chair

Public Servants—list condensed to address likelihood of applicability:

(1) peace officers or special investigators;

(2) parole officers allowed to carry by state law if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers (probation officers) authorized by statute and local administration to carry if the officer is engaged in the actual discharge of the officer's duties while carrying the weapon.

(4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;¹

(5) an honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is:

(A) an honorably retired peace officer;

(B) a qualified retired law enforcement officer;

(C) a federal criminal investigator; or

(D) a former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;

(6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.